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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,238	09/18/2003	Joseph Thomas O'Neil	111352CON2	8482
26652	7590	11/03/2005	EXAMINER	
AT&T CORP. P.O. BOX 4110 MIDDLETOWN, NJ 07748			SMITH, CREIGHTON H	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,238

Applicant(s)

O'NEIL, JOSEPH THOMAS

Examiner

Creighton H. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 SEP '05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-13, 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3, 6-13, 16-29 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6134318. Although the conflicting claims are not identical, they are not patentably distinct from each other because The claims of the instant application appear in the '318 patent.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginsberg '730.

Ginsberg teaches a call center (100) that gives the calling customers a visual presentation of the organizational structure, and thereby enabling the customer to directly route the call to a particular agent who is most able to address the customer's needs, col. 2, lines 44-49. Ginsberg's call center/ telemarketing system is over the Internet as disclosed in col. 3, lines 10-30, where he discloses that a call placed to the "self-routing call center" 100 originates from a customer's interactive display device (175). The customer's display device uses an Internet browser program through which a customer will initiate a communication to the desired organization to whom the customer wishes to contact. Ginsberg discloses a server (200), col. 3, lines 20-25, that will download applets to the customer's PC terminal so that the customer can browse through a website. The call center's server will receive requests for the ordering of products from the customer, as well as product support and customer service, col. 3, lines 35-42. In lines 46-50 of col.3, Ginsberg discloses that if the customer selects the product ordering icon 63, an applet will generate a new display map at the customer's terminal, which presents a list of products. In col. 4, lines 49-58, Ginsberg discloses that if an agent is unavailable, the server will generate an icon for the customer to leave a message for the agent; and in col. 5, lines 18-23, it is disclosed that the server 200 will generate a queue icon allowing the customer to enter the agent's queue. Therefore, if the customer's preferred agent is available the server will route the customer's request to the available agent, and if the customer's preferred agent is unavailable the server will route the call to the preferred agent's queue or route a message from the customer to the agent. In col. 6, lines 7-8, Ginsberg discloses that the server 200 contains

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mechanisms for enabling user manipulation of the queues. The manipulation/ manual adjustment features of server 200 include add/drop capability, interrupt capability, col. 6, lines 16-19. In lines 23-39 of col. 6, Ginsberg discloses the capability of a supervisor to manually adjust a queue, especially lines 33-39. Regarding claim 22, Ginsberg discloses in col. 6, lines 27-39, that a supervisor's terminal display can show the identity of customers and their queue status, e.g., those wishing to place a sales order, or information on those customers just browsing the product catalog. With this knowledge in hand, the supervisor may increase the number of available agents in that particular product area, or assign a specific agent to a preferred customer that is waiting. To increase the number of sales agents or to assign a specific sales agent to a preferred customer, the supervisor will necessarily have to know which agents are active, their workload, a profile of which agent might specialize in which product.

Claims 1-3, 6-13, 16-29 are allowed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

18 OCT '05

A handwritten signature in black ink, appearing to read "Creighton H. Smith". The signature is written in a cursive, flowing style.

Creighton H Smith
Primary Examiner
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